

# THE KENTUCKY GAZETTE.

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Fort Massac, 10th August, 1799.

MR. BRADFORD,  
HAVING in my possession a certified copy of communications between Lieut. Wm. P. Smith, of the 3d United States regiment, and Mr. Zachariah Cox, from the 15th to the 16th June, inclusive—and having been informed by respectable gentlemen, who have passed this post since, (whose names I am ready to give) that the said Zachariah Cox has faithfully represented the circumstances—I request you will give the following attested copy a place in your paper, and oblige  
Your obt. Servant,  
T. PASTEUR,  
Capt. 1st Regt. Infantry.

Copy of the communications above alluded to.

"Upper-end of Smithland,  
" June 15th, 1799.

"Sir,  
"For a very abusive piece published by you, against me, I now require satisfaction. From some observations contained in the piece, I have little doubt of your meeting me for that purpose. My friend Captain Anderson, waits on you to make the arrangements.  
"Signed,  
"Wm. P. SMITH,  
"Mr. Zachariah Cox."

Mr. Cox promised a satisfactory answer to the above note, at or before ten o'clock the next morning. I waited with Smithland, at the upper end of Smithland, (mouth of Cumberland) until some time, after the time appointed for the receipt of the answer, and receiving information of an intention (on the part of Mr. Cox) to have us apprehended, Mr. Smith and myself concluded that it would be advisable to move to the North-West side of the Ohio. On our arrival there, Mr. Smith wrote the following note, which was sent a/cross to Mr. Cox.

"N. West bank of the Ohio,  
"Opposite Smithland,  
"June the 16th, 1799.

"Sir,  
"I waited at the mouth of Cumberland some time after you were to have answered my note of yesterday. I was informed you had an intention of having me apprehended for writing that note, in consequence of which I have thought proper to remove here. Should my information have been wrong, I hope our business will go on in the way which I first said. I expected the gentleman who waited on you yesterday, would have done so at this time, but for reasons which I shall communicate to you when we meet.  
"Signed,  
"W. P. SMITH,  
"Mr. Zachariah Cox."

"Smithland, June 16th, 1799.

"Sir,  
"I invite you and your friend to the shore of Kentucky, any where you may appoint, above the Indian boundary, at three o'clock to-day, for the satisfaction you require,  
"Signed,  
"ZACH. COX.

"To W. P. Smith."

Immediately on the arrival of Mr. A. nos Edwards, Northwest side of the Ohio, with the above note, him and myself proceeded to designate the most proper place for Mr. Smith and Mr. Cox to meet and settle their dispute. I asked Mr. Edwards if he professed himself the friend of Mr. Cox on this occasion? He said in answer, he did. I then proposed a meeting either North-West of the Ohio, or at the mouth of Tennessee river:—He said Mr. Cox was unwilling to meet at any place but such as his note contemplated, and that he was not authorized to see us elsewhere. I told Mr. Edwards that I then had a high opinion of Mr. Cox, as a gentleman, that I conceived Mr. Smith the Challenger, and that *de* Mr. Edwards might fix upon the place. Mr. Edwards then pointed out a small bayon, about one or two mile miles below Smithland, on the Kentucky shore, as the most remarkable and proper place for an interview. To this proposition I without hesitation assented. The time was also mentioned.

Mr. Smith and myself accordingly repaired to the ground at the time appointed. We there in the course of a few minutes

found ourselves surrounded in almost every direction, by armed men, some on land, and others on water:—Mr. Smith was instantly arrested by a Mr. Rutter, (said to be sheriff of Livingston county) who had with him a warrant issued by J. Ramsey, a justice of the peace for said county. It appeared this warrant was granted on the suggestions of Mr. Zach. Cox, and supported by his oath.

Mr. Smith was charged for swearing falsely in his deposition and examination, given before the honorable judge M'Nairy, United States judge for the district of Tennessee, some time in December last. Mr. Z. Cox, Mr. Edwards, and myself, were sworn by Mr. Ramsey, to give evidence against Mr. Smith. Mr. Smith's deposition and subsistence of his examination before judge M'Nairy, was introduced in evidence before Justice Ramsey. Mr. Smith's deposition was acknowledged to be such as he made before judge M'Nairy. The tenor of his examination was also conceded. The question then turned (agreeable to justice Ramsey's view) on the contradictions which he thought (and attempted to shew) existed on a comparison of this deposition and examination.—Mr. Z. Cox deposed sundry things, made many remarks, chief of which were irrelevant, and such as may appear not to be in the eyes of some, are to be found in his publication against Mr. Smith.

Mr. Edwards added extremely libellal and indeed took much the part of a professor; his comments on Mr. Smiths conduct did not seem original but taken from Mr. Cox's publication against Mr. Smith.

Justice Ramsey had, in my opinion, pre-judged Mr. Smith's case, and bound in a recognition to appear before the court of quarter sessions. Time will better determine this point.

Throughout the whole of this business it appeared to me, from the most intimate view I was capable of taking, that Mr. Smith, not only before his arrest, but afterwards, acted the soldier, the man of firmness, and much like the gentleman really injured and determined to have satisfaction.

[Signed]

Wm. P. ANDERSON,

17th June, 1799.

A true copy from the original.  
ROBERT PARKINSON, Lieut. Art. & Eng.  
THOMAS OLIVER.

## European Intelligence.

### England.

LONDON, June 16.

From the Morning Herald of June 16.

The fate of Italy, if the accounts bro't by the Hamburg mail be correct, may be considered as finally decided; but there are some considerations which induce us to entertain considerable doubts of the intelligence notwithstanding it assumes an official shape from Milan, under the date of the 14th May. A general action is said to have commenced at five o'clock, in the morning of the 13th ult. by an attack upon Moreau's position between Turin and Coni, and to have continued with the utmost fury till night, when the victory at length declared in favor of the combined arms, the enemy having lost 14,000 men, 8000 of whom were killed on the field of battle, and the remainder (including Moreau, who was wounded, and three other French generals) taken prisoners, 150 pieces of cannon, 200 ammunition waggons, are also stated to have fallen into the hands of the allies. Our reasons for suspecting the accuracy of this account are these: The advices published by government, in the Gazette of Tuesday last, mentioned the headquarters of Suwarrow to be at Tortona, on the 13th, the day on which the victory is said to have been achieved; a circumstance which is said to render the latter statement improbable in one point of view and impossible in another. In the first place, the reported scene of action is near 70 miles distant from Tortona, where Suwarrow had his headquarters at the precise time the battle is stated to have been fought, and as even his out posts were now so far advanced on that day, it is highly improbable that a force sufficient to dislodge Moreau from his strong position between Coni and Turin, could then have been collected at a distance so considerable from the main body of the imperialists; and in the next place it is utterly

impossible that Suwarrow could have had his grand army between Coni and Turin on the morning of the 13th, if, as the Gazette states, his headquarters were on that very day at Tortona. But, at the same time that these considerations lead us to question the accuracy of the seemingly official account, we have no doubt that a very important victory has been obtained by the Austria-Russian army in Piedmont, and from which the above exaggerated statement had its origin. The action to which we allude, was fought on the 13th, (the day which we have already mentioned) between Valenza Buzignone, and Alleffandria; it was extremely bloody and terminated in the capture of Valenza, (about ten miles from Tortona) which the Russians carried by storm. This battle lasted 14 hours, and the division of the enemy which escaped is mentioned as consisting only of 8,000 men; but it is to be observed that it was not the main body of the French that was here engaged. Moreau being then stationed between Coni and Turin, with an army of 17,000 men. In this manner we think we may venture to account for the magnified statement from Piedmont, which however may be considered as a rational anticipation of what has probably by this time taken place. A private letter from Milan states, that Alleffandria and Turin are in possession of the combined forces, by means of the latter of which they will be able to flank Moreau on the North side and ultimately to dislodge him from his present advantageous position.—Thus will the deliverance of Italy be rendered complete, and the miserable remains of the republican army be forced to fly for refuge within the ancient boundaries of France.—With respect to the forces under the orders of gen. Macdonald, they are reported to have been totally defeated and their commandant taken prisoner near Lucca, on their way to join the army of Moreau, in Piedmont; but this account wants confirmation.

The Russian ambassador has been ordered to quit Madrid in consequence of a final injunction from the court of Peterburg relative to the Spanish ambassador.

According to a letter from the Polish frontiers, the following are said to be the military forces of Russia, which are now acting, or are yet intended to act against France:

	Men.
By the fleet of Gallies, - - -	50,000
Marching thro Bosnia, - - -	60,000
Marching thro Hungary, - - -	11,000
Actually arrived through	
Austria in Italy, - - -	26,000
Marching thro Moravia, - - -	45,000
Marching thro Prussia by Warlaw, - - -	80,000
Total, - - -	272,000

### France.

PARIS, May 26.

#### ARMY OF THE DANUBE.

Letter from Massena, commander in chief, to the Executive Directory.

Head Quarters at Zurich, May 24.

"Citizen Directors,  
"In the night between the 21st and 22d, the enemy, with a considerable force, crossed to the left bank of the Rhine, between Coblenz and Kaiferluth.—To cover this movement, they had the evening before vigorously attacked my positions from Aldenighen to Vill. Their object was to make me send forces thither, and to leave the line of the Rhine ungarded. In the night I was informed of this circumstance. Our first posts had been beaten back, and I made dispositions to attack them in the morning.

"Gen. Thurraue was ordered to attack the enemy in front on the points of Coblenz and Zurich. I advanced to attack their flank on the side of Egghaus Kaiferluth. At ten o'clock in the morning the action began—the enemy at first resisted, but soon began to think of retreating. A body of Italians, who covered their retreat, were attacked by our cavalry. We took 300 horses and 500 prisoners, among whom are six officers. This movement of the enemy was bold; their object was to cut off the communication with Zurich, but they were obliged to recross the Rhine with precipitation, and they were pursued with so much vigor, that they

had not time to establish a bridge, and many of their men were drowned in the river.  
"MASSENA."

Letter from Massena, commander in chief, to the Executive Directory.  
Zurich, May 26.

"Citizen Directors,  
"The recent movements of the enemy and the information I had received of their assembling troops on the left bank of the Thur, announced their intention of attacking me. In order to counteract their measures, I ordered a general attack upon their line, in order to drive it beyond the river: for that purpose I went on the 26th to Winthurer with my staff, I ordered general Oudinot, who commanded the advanced guard, to march to Fauenfeld, while general Pallard was to attack the left of the enemy on Andelfingen, and general Ney, their centre, at Adlikon. General Soult was ordered with his division to support the attack.

"At day break the advanced posts of the enemy were attacked and the affair soon became general. Our troops displayed the greatest intrepidity. The enemy on their part, made a long and vigorous resistance, but were ultimately defeated, and obliged to retreat with precipitation, though they had a more numerous cavalry than we had, which covered them. Gen. Pillard, having repulsed the enemy, made 500 prisoners, and general Ney made 200. The column which he pursued, owed its safety to the celerity of its retreat. Gen. Oudinot met with the greatest resistance, and our troops were repulsed: but gen. Soult having arrived with two squadrons of 13th dragoons and 22d half brigade, turned the advantage in our favor. These two generals made 1800 prisoners and 2 pieces of cannon. The action lasted in this part till within one hour of night.

"The result of this action is, that the enemy have quitted the left bank of the Thur, and that we have taken one standard, two pieces of cannon, and 2500 prisoners, among whom is col. De Burco, prince Hobenlo, and the major of the regiment of Secklers. At the commencement of the action, the hussars of that corps asked our troops whether they would give quarters (recollecting the assassination of the plenipotentiaries). Our brave soldiers cried out, "defend yourselves." In fact they did defend themselves with vigor, but a great slaughter was made of them. Thus the punishment of the most infamous crime has commenced.

"Gen. Chabreau, who commanded the second division, obtained some advantages over the enemy, and made some prisoners. The Helvetic legion, and some battalions of Swiss, who were engaged, behaved with courage. Adj. gen. Wreber who commanded them was killed; he is generally regretted. Our generals, officers and soldiers, behaved in a manner worthy themselves; and nothing but their great exertions could have decided this contest so successfully for us, and so fatally for the enemy. Our loss, including the wounded, may amount to 400 men, and that of the enemy to 2000 men, exclusive of 2500 prisoners.  
"MASSENA."

Massena, commander in chief, to the Executive Directory of the French Republic.  
Head Quarters, Zurich, May 28.

"Prince Charles having rejoined his army with the reinforcement of 12500 men, engaged me yesterday on the line of the Thur, with 30,000 men. He directed the attack in person, which began at day break.

"The efforts and obliquity of the enemy were beyond all expression, and our defence was equally so. Night did not put an end to the action which was continued till 10 o'clock. I advanced to Glat for the purpose of concentrating my force more towards Zurich.

"We made 8000 of the enemy prisoners in the action of yesterday, and a great number were either killed or wounded.

"Gen. Ney, who commanded the advanced guard, received two wounds, and had two horses killed under him. Adjutant-General Lorcey has also been wounded.  
"MASSENA."

N. B. In a second letter, dated May the 29th, general Massena says the de-



And on making the said entry, an oath or affirmation shall be taken, which shall be of the form following, to wit:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) according to the best of my knowledge and belief, that the entry by me subscribed is just and true; that the merchandise therein mentioned have been duly imported, and the duties thereon paid or secured to be paid, according to law.

Form of  
oath on ma-  
king such  
entry.

And the form of a permit for unlading goods transported coastwise, with a certificate as aforesaid, for the purpose of obtaining a drawback, shall be as follows:

Port of

Permit (insert the name of the person making entry) to land from on board the (insert denomination and name of vessel, and name of master) master, from (insert the port and district from which arrived, and the number of packages and contents, with their marks and numbers, agreeable to entry) having been brought coastwise from thence, for the purpose of being exported from this district, for the benefit of drawback.

Permit for  
unlading  
goods trans-  
ported coast-  
wise for the  
benefit of  
drawback.

A. B. Collector.

C. D. Naval Officer.

To the surveyor of the port of

Sec. 78. *And be it further enacted*, That when any goods, wares or merchandise, subject to drawback, shall be entered for exportation from any other district than the one into which they were originally imported, the person intending to export the same, besides producing the certificate herein before directed, shall give the same notice, and make entry in like manner, and the goods, wares and merchandise therein expressed, shall undergo the same examination, and shall be laden on board under regulations in all respects conformable to what is required by law, relative to goods, wares and merchandise entitled to drawback, and intended to be exported from the place of original importation.

At the port  
of arrival  
the same for-  
malities are  
to be obser-  
ved as if  
they were  
exported  
from the  
port of ori-  
ginal impor-  
tation.

Sec. 79. *And be it further enacted*, That all goods, wares and merchandise duly imported into either of the districts of Philadelphia, New-York and Baltimore, or into the ports of Boston and Providence, which shall be transported in part by water, and in part by land conveyance, from the port of Philadelphia, by the way of Burlington, Bordenton, Lambertton, or New-Brunswick and South-Amboy, to New-York; or from the port of New-York, by the way of South-Amboy, New-Brunswick, or Lambertton, Bordenton or Burlington, to Philadelphia: or from the port of Philadelphia, by way of Wilmington, Newport, Christiana-Bridge, Newcastle, Port-Penn, or Appoquinimink and Elkton, Frenchtown or Bohemia, to Baltimore; or from the port of Baltimore, by the way of Elkton, Bohemia or Frenchtown and Port-Penn, Appoquinimink, Newcastle, Christiana-Bridge, New-port or Wilmington, to Philadelphia, and which being imported into Philadelphia, shall be exported from Baltimore, or New-York, or being imported into

Provision for  
transporting  
of goods sub-  
ject to draw-  
back by land  
conveyance,  
&c.

Sec. 80. *And be it further enacted*, That for all goods, wares or merchandise entitled to drawback, which shall be exported from the district into which they were originally imported, the exporter or exporters shall be entitled to receive from the collector of such district, a debenture or debentures for the amount of the drawback to which such goods wares or merchandise are entitled, payable at the same time or times respectively, on which the duties on the said goods, wares or merchandise shall become due. And it shall be the duty of the said collector to discharge such debentures out of the product of the duties arising on the importation of the goods exported as aforesaid:

Debenture to be issued for the amount of drawback.

*Provided*, That in respect to any goods, wares or merchandise, on which the whole or any instalment of the duties shall have been paid prior to an entry for exportation, the debenture for the amount of the drawback of such duties as shall have been paid, shall be made payable in fifteen days, to be computed from the time of signing the bond to be given as herein after directed: *And provided*, That all debentures shall be issued and made payable to the original importer or importers of the goods wares and merchandise entered for exportation, whenever the same shall be requested, in writing, by the exporter or exporters, and not otherwise.

And where any goods, wares or merchandise, are exported from any other district than the one into which they were originally imported, it shall be the duty of the collector of such district, together with the naval officer thereof, where there is one, to grant to the exporter or exporters, a certificate expressing that such goods, wares and merchandise were exported from such district, with the marks, numbers and descriptions of the packages and their contents, the names of the master and vessel in which, and the port to which they were exported; and by whom, and the names of the vessel and master in which they were brought, and by whom shipped at the district from whence they came, and the amount of drawback to which they are entitled; and such certificate shall entitle the possessor thereof, to receive from the collector of the district with whom the duties on the said goods were paid or secured to be paid, a debenture or debentures for the amount of the drawback expressed in the said certificate or certificates, payable at the same time and in like manner as is herein directed for debentures on goods, wares or merchandise exported from the port or place of original importation: *Provided nevertheless*, That the collector aforesaid, may refuse to grant such debenture or debentures, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed, shall exceed one hundred dollars, it shall be the duty of the said collector, to represent the case to the comptroller of the treasury, who shall determine whether such debenture or debentures shall be granted or not: *And provided always*, That in no case of an exportation of

Certificate to be given of the exportation of goods from a district other than that of original importation; & debenture to be issued in the district where the duties were paid or secured.

In case of error or fraud, debenture may be refused.

Drawback not to be paid before the duties.

goods shall a drawback be paid, until the duties on the importation thereof, shall have been first received.

And the form of a certificate to be granted on the exportation to a foreign port, of goods, wares or merchandise, from a district other than the district into which such goods were originally imported, shall be as follows :

District of  
Port of

Form of the  
certificate  
last above  
mentioned.

We hereby certify, that the merchandise herein after specified, which were imported into the district of \_\_\_\_\_ on the \_\_\_\_\_ of \_\_\_\_\_ by \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ master from \_\_\_\_\_ and landed in this district in the month of \_\_\_\_\_ out of the \_\_\_\_\_ of \_\_\_\_\_ master, from \_\_\_\_\_ (having been previously entered at this office by \_\_\_\_\_) have been exported hence by \_\_\_\_\_ in the \_\_\_\_\_ belonging to \_\_\_\_\_ master, bound for \_\_\_\_\_ having been previously inspected and (weighed, gauged or measured, as the case may require) and that the said \_\_\_\_\_ with \_\_\_\_\_ both of \_\_\_\_\_ have entered into bond in pursuance of the laws in that case made and provided.

Marks.	Numbers.	Packages, contents, and rates of duties.	Amount of duties.
		Here insert, in detail, the packages exported, their quality & contents the value, if articles subject to duties ad valorem, the tare, if articles on which tare is allowed, and the rates of duty.	

Net amount of drawbacks payable, \_\_\_\_\_ dollars and \_\_\_\_\_ cents.

A. B. Collector.

C. D. Naval Officer.

And the form of the debentures to be issued as aforesaid, shall be as follows :

No. \_\_\_\_\_ District of \_\_\_\_\_ Port of \_\_\_\_\_ Debenture for \_\_\_\_\_

Form of debenture.

In pursuance of law, I hereby certify that the sum of (here insert the amount) will be due from the United States of America, payable at this office to, (here insert the name of the exporter, or his known agent or attorney) or order, on the (here insert the time when payable) for drawback of duties on merchandise imported by (here insert the name of the importer and the denomination and name of the vessel in which they were imported) and exported by the said (here insert the name of the



